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STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES

IBERIA PARISH COURTHOUSE  
COURTROOM A

300 IBERIA STREET  
NEW IBERIA, LOUISIANA

RE: REQUEST FOR PUBLIC COMMENT ON A  
TECHNICALLY COMPLETE TYPE III SOLID  
WASTE RENEWAL PERMIT FOR  
GORDON'S DISPOSAL, L. L. C.

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PUBLIC HEARING ON  
A TECHNICALLY COMPLETE TYPE III SOLID WASTE  
PERMIT RENEWAL APPLICATION  
APPLICATION AND ENVIRONMENTAL ASSESSMENT  
STATEMENT FOR  
GORDON'S DISPOSAL, L. L. C.  
GORDON DOERLE TYPE III CONSTRUCTION &  
DEMOLITION DEBRIS/WOODWASTE LANDFILL  
AND SEPARATION FACILITY  
IBERIA & SAINT MARTIN PARISHES, LOUISIANA

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Pursuant to Notice, the above-entitled matter came  
on before Public Hearing on August 2, 2007 at 6:08  
p.m., at Iberia Parish Courthouse, Courtroom A, 300  
Iberia Street, 2nd Floor, New Iberia, Louisiana  
before Robert Reine, Hearing Officer. Reported by  
Carolyn LeBlanc.

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P-R-O-C-E-E-D-I-N-G-S

HEARING OFFICER:

Good evening. Let the record reflect that the  
time is 6:08 p.m. My name is Robert Reine. I am  
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employed with the Louisiana Department of Environmental Quality. I will be serving as the hearing officer this evening, Thursday, August 2, 2007.

This hearing is scheduled to accept public comments concerning the Technically Complete Type III solid waste permit renewal application and Environmental Assessment Statement (EAS) for the Gordon's Disposal, L.L.C., regarding Doerle Type III Construction & Demolition Debris/Woodwaste Landfill and Separation Facility, New Iberia, Iberia, and Saint Martin Parishes, Louisiana, Agency Nos. 30245, Permit Number P-0287, and Activity Tracking Number PER20040001. The site is located at 614 Coteau Road, New Iberia, Iberia and Saint Martin Parishes.

Gordon's Disposal, L.L.C. requested to renew their solid waste permit for the Construction and Demolition Debris/Woodwaste Landfill and Separation Facility. Gordon's Disposal, L.L.C. is an existing facility that is permitted to dispose of construction and demolition debris, woodwaste, and

yard trash. The function of the Separation Facility is to provide an area to separate recyclables and other unacceptable materials from being placed in the landfill.

The EAS submitted by the applicant addresses avoidance of potential and real environmental effects, balancing of social and economic benefits against environmental impact cost, and alternative sites, projects, and mitigating measures.

This hearing is not being conducted in a question-and-answer format. Please remember the purpose of this public hearing is for the DEQ to receive your comments concerning the technically complete Type III solid waste permit renewal application.

This hearing is to provide all individuals a chance to be heard regardless of their position on the technically complete Type III solid waste permit renewal application.

Courteous behavior is expected of everyone at all times. You may speak in support of the permitting action, in opposition to the permitting action, or simply to provide additional information. All interested parties will be given a reasonable opportunity to comment unless the testimony is not

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relevant to the purpose of this hearing. All your comments heard during this hearing and all written comments received during the comment period will be evaluated and addressed in the Department's written response.

A public notice advertising this public hearing and request for public comment on the technically complete Type III solid waste permit renewal application and the EAS was published in The Advocate of Baton Rouge, The Teche News of Saint Martinville on July 11, 2007, and The Daily Iberian of New Iberia on July 12, 2007.

In addition, copies of the public notice were mailed to individuals who have requested to be

placed on the mailing list maintained by the Office of Environmental Services on July 10, 2007.

A copy of the technically complete Type III solid waste permit renewal application and EAS is available for inspection and review at the LDEQ, Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, Louisiana. Viewing hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ public

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website at [www.deq.louisiana.gov](http://www.deq.louisiana.gov).

Additional copies may be reviewed at the Iberia Parish Library, Coteau Branch, 6308 Coteau Park, New Iberia, Louisiana 70560, Saint Martin Parish Library, Headquarters, 201 Porter Street, Saint Martinville, Louisiana 70582, St. Martin Parish Government, 301 West Port Street, St. Martinville, Louisiana, Iberia Parish Council, 300 Iberia Street, Suite 410, New Iberia, Louisiana, and LDEQ Acadiana Regional Office, 111 New Center Drive, Lafayette, Louisiana.

On July 23, 2007 the department received a comment alleging that the material for review was not available at some of the repositories as identified in the public notice. However, this is not the case. I would like to clarify this issue on behalf of DEQ and the Public Participation Group.

The material for all the repositories was picked up by Fed-Ex from DEQ in Baton Rouge on July

6, 2007. It was delivered to all the repositories on July 10, 2007 prior to the publication of the public notice in the newspapers on July 11, 2007.

Copies of the Fed-Ex receipts showing that the material was signed for and received by all the repositories on July 10, 2007 are available at the

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registration table. Also, the verification receipts were received from the repositories by the Public Participation Group.

The Public Participation Group, on July 23, 2007, contacted all the repositories to confirm receipt. All confirmed the availability of all the material except for the St. Martin Parish Library, Headquarters. The St. Martin Parish Library, Headquarters, could not locate the material. A second copy was delivered to the library on the afternoon of July 24, 2007.

Also the technically complete application and EAS as mentioned in the published notice can be accessed as an attachment on the DEQ Public Notice web page. St. Martin Parish Library, Headquarters, confirmed the availability of internet access at the library.

Now let me continue with our opening remarks.

In accordance with Louisiana Administrative Code, Title 33, Part VII, Section 509.F.7, comments received by 12:30 p.m. Tuesday, September 4, 2007, will be considered prior to a final decision. All comments received by 12:30 p.m. September 4, 2007 shall be retained by the Department and considered

25 in determining whether to issue or deny the

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1 technically complete Type III solid waste permit  
2 renewal application.

3 Written comments on this technically complete  
4 Type III solid waste permit renewal application may  
5 be submitted to Ms. Soumaya Ghost, LDEQ-OES,  
6 Environmental Assistance Division, P. O. Box 4313,  
7 Baton Rouge, Louisiana 70821-4313.

8 Under LA Revised Statutes 30:2017, as revised  
9 by the legislature in the 2004 session, the  
10 Department is required to follow the following order  
11 with the provision that the presiding officer may  
12 give preference to a public official to speak at any  
13 time during the hearing. However, any time limit  
14 set for citizen testimony shall apply to public  
15 officials.

16 The Department must provide up to 30 minutes to  
17 the permit applicant for an introductory  
18 presentation. Thereafter, preference for speaking  
19 up to one hour is given as follows:

20 For the first hour, to those citizens who live  
21 within a two-mile radius of the location of the  
22 facility;

23 For the second hour, to those citizens who work  
24 within a two-mile radius of the location of the  
25 facility;

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1 And for the third hour, to those citizens who  
2 live within the parish of the location of the

3 facility.

4       Thereafter, each hour of the hearing shall  
5 alternate between those who are in support of the  
6 permitting action and those who are opposed to the  
7 permitting action. The order of tonight's hearing  
8 will be based on the information provided by the  
9 speaker on the registration form. Anyone who  
10 registered to speak but did not provide the  
11 necessary information will be given the opportunity  
12 to speak. However, they will be called last in the  
13 order of registration.

14       This hearing is being transcribed. Therefore,  
15 I will ask that each speaker begin by stating for  
16 the record their name, address, and any organization  
17 he or she may represent.

18       At this time I would like to ask the permit  
19 application representative to come forward and make  
20 their introductory presentation. Having seen no  
21 permit representative, we're going to go ahead with  
22 the rest of the public comments.

23       I will now begin by allowing those individuals  
24 five minutes to speak in which they may present  
25 their comments. At the end of the rotation if you

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1 still have comments you'd like to give, we'll go  
2 ahead and go through it a second time.

3       The first to speak will be those citizens  
4 who live within the location of the facility.  
5 However, I would like to call on the public and  
6 governmental officials first. State Representative  
7 Troy Hebert.

8 STATE REPRESENTATIVE TROY HEBERT:

9 Thank you, Mr. Reine. My name is Troy Hebert.  
10 I'm the state representative that represents this  
11 particular area in Iberia Parish. Let me begin by  
12 saying that I object to this renew on the permit and  
13 I object to it not on the basis of trying to  
14 necessarily pick and choose between two facilities  
15 that actually offer public benefit.

16 I happen to know Mr. Doerle. He's a friend of  
17 mine. He's a fine gentleman. He provides a very  
18 needed service to our community. It's not a pretty  
19 service. It's the garbage business. We have to do  
20 something with the garbage that we generate. But  
21 what I also have to tell you is that I think that we  
22 have a situation here where we're going to have to  
23 pick and choose between two businesses in this  
24 parish, and that is the disposal business that Mr.  
25 Doerle operates and the Acadiana Regional Airport.

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1 I think that's important to recognize because  
2 obviously I don't think that those two can continue  
3 living in conjunction with each other. I say that  
4 after hearing testimony and visiting with others who  
5 know a lot more about aviation than I do, and I  
6 think we're going to have some testimony at this  
7 hearing from particular individuals who know a great  
8 deal about aviation, and in particular the safety  
9 aspect of it.

10 What I present to DEQ in the argument of not  
11 renewing this permit is, again, not to try and shut  
12 a facility down, but to have DEQ take a look at how



1DEQ

13 we can continue to operate two conflicting  
14 facilities in the same general area and still  
15 provide the public protection with safety with the  
16 amount of aircraft, the type of aircraft that come  
17 in and out of this facility.

18 I also ask that DEQ take into consideration  
19 that the economic effect that is provided to this  
20 parish and surrounding parishes by this airport is  
21 tremendous. It's one of the bigger assets that this  
22 parish possesses. It is a facility that I  
23 understand that can probably land anything made by  
24 man. It has continued to prosper through the  
25 Board's efforts and other people's efforts, that it

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1 has become an economic engine of this parish.

2 Like anything that I think is important to  
3 government as well as individuals, I think there  
4 comes a time where we must protect that element and  
5 we need to treasure it, and the fact that something  
6 is so close to this particular airport can threaten  
7 the viability of it, I, as a state official, who has  
8 oversight over the Department of -- Department of  
9 Environmental Quality, understand and know that the  
10 job of the Department of Environmental Quality is to  
11 protect the citizens of this state, and in doing  
12 so, you were given the responsibility and the job to  
13 have oversight over permits, and the argument today  
14 is not whether or not how or why Mr. Doerle has  
15 gotten this permit in the past, but the issue before  
16 us obviously is whether or not this facility should  
17 be renewed.

18 Now we'll go -- and I'm sure others will go  
19 into great detail, and I don't know all the  
20 specifics here, but it's my understanding that this  
21 facility will go somewhere -- anywhere from going  
22 from a ten-acre site to possibly near a hundred-acre  
23 site. Now obviously that is not just a renewal. I  
24 do have some issues with the fact that this  
25 particular -- the wording of this permit is

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1 disguised under the fact of a renewal.  
2 Now I certainly don't point that towards the  
3 permit, but I do have issue with DEQ that has  
4 provided this information to the public that talks  
5 about it being a renewal. Nowhere in there does it  
6 talk about it being an expansion. So I ask that you  
7 talk a close look at that. We make sure that the  
8 public is very aware of what is going on.  
9 I also would like DEQ to -- and I want to  
10 submit this. I know it has been submitted, but I  
11 also want to take a moment to submit this as a  
12 letter from the Department of Transportation, the  
13 Federal Aviation Administration, that discusses this  
14 issue and has taken a stance, it seems to me, on  
15 this landfill being located so close to the airport.  
16 In discussions with the department, we were told in  
17 a meeting that DEQ would like to see a letter from  
18 the FAA regarding this matter. So I'm going to  
19 submit this letter of evidence that was requested by  
20 DEQ so that it could be presented and be taken into  
21 consideration before this renewal is granted. Thank  
22 you for your time.

HEARING OFFICER:

Mark this as "Exhibit A," a letter dated August 1, 2007, signed by Faye Nedderman, marked as Exhibit

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A. Nary Hulin.

NARY HULIN:

Good afternoon. My name is Nary Hulin and I represent the Coteau area where this facility is located and expansion for the place. Pretty much like Troy, I know -- I personally know that there's a need for this type of facility. I just think DEQ needs to put more emphasis on the locations of these types of facilities. At previous meetings, we talked about how many violations Gordon had on that particular facility, and it was pretty high, and DEQ's response was that that's because it was more visible to the motoring public. Well, then I suggest to DEQ that they need to put something in place that puts these things in areas where they can't be seen.

Secondly, when I came here tonight, I picked up one of the maps, and I noticed -- I noticed the plot of Gordon's future expansion, the reason we're here tonight, and there's no -- there's no way -- nowhere on the map that shows his existing pick-up station, and the reason I bring that to light is that just recently Iberia Parish Government also has a Type III construction debris landfill, and we were made to remove all of our dumpsters that held batteries

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and bicycles and, you know, iceboxes and that type

2 of thing that didn't go in the construction debris  
3 landfill, and we would then truck it to our barn  
4 where some people would come and pick them up.

5 Well, we had to remove that from the site  
6 because they didn't want any commingling of  
7 construction debris and whatever, and to me, it's  
8 very important that that pick-up station be listed  
9 on that map and be a part of that expansion because  
10 if you can't have dumpsters around construction  
11 debris landfills, you certainly can't have a  
12 facility that's going to hold solid waste, and I  
13 would -- a little bit later in the presentation,  
14 I'll submit that also as evidence.

15 Also I know it's been said, and I'm sure DEQ  
16 knows about it, but I'm going to say it again,  
17 there's pending litigation on that particular  
18 facility. Ever since day one, the council has  
19 opposed that facility unanimously, and although it's  
20 important that we opposed it because it didn't meet  
21 parish requirements and regulations, that being the  
22 homes within a certain area and schools within a  
23 certain area and businesses, i.e., the airport, but  
24 more importantly is the zoning and the safety zone  
25 around the airport, okay. I'm not going to touch

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1 base -- I'm not going to elaborate on that. I'm  
2 sure some of the airport commissioners are going to  
3 do that, and that's the pending litigation that we  
4 have with Gordon right now.

5 Also we have -- we have appealed the water  
6 discharge permit just recently and that appeal is

going through right now along with other litigation from POW which is People Opposing Waste.

You know, I think we're here for a reason, and like Troy, I know Gordon. He's a fine man, a good businessman, and, you know, this is not about personalities, but Gordon's failure to work with parish government and FAA has played a critical part in Iberia Parish government's desire to close that facility down or not to support it by any means.

Just recently I found out that FAA had contacted Gordon and wanted to meet with him to look over the differences that they had or the concerns that they had with his facility, and they got no response. So, you know, that alone gives us reason to do what we're doing here today. I would like to also put into the records, I think it's five resolutions from Iberia Parish government dating all the way back to 2005 to show the opposition that they had towards this facility from the onset, and

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I'll also submit them for the record. Thank you.

HEARING OFFICER:

Thank you. That's time.

NARY Hulin:

Thank you.

HEARING OFFICER:

Let the record "Exhibit B" is a map with some hand notations which depicts the area of the two-mile buffer around the landfill. This will be marked Exhibit B. Also let the record reflect marked "Items C-1" through "C-5" in sequence are

five resolutions from the Iberia Parish Council government. These are dated May 25, 2005, November 9, 2005, February 22, 2006, October 25, 2006, and June 27, 2007. These will be marked Items C-1 through C-5 in sequence. Robert E. Mouton.

ROBERT E. MOUTON:

My name is Robert E. Mouton, Airport Director for the Iberia Parish Airport. I'll read from a prepared statement.

"The Iberia Parish Airport Authority is opposed to the proposed activity herein above identified for the same two (2) reasons it has opposed the several applications for all of Gordon's development at the LA. 88 location, both in St. Martin and Iberia

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Parishes.

Those two (2) reasons are: degradation of Aviation Safety and non-compliance with extant Airport, Local, State, and Federal Regulations.

Now, we add to these two yet unrefuted claims and positions with one (1) equally onerous, erroneous and objectionable: The subject application is cited by DEQ as being "TECHNICALLY COMPLETE," and our position is that it is "TECHNICALLY FLAWED."

In support of that fact and our findings, only two (2) of many more examples are offered at this time: (1) from the 2nd paragraph, page 6, Part III, "Additional Supplementary Information." I quote in part. "In summary business ... are dependent on Gordon Doerle's ability to construct and utilize a Type III disposal facility that meets all applicable

State and Federal Regulations," and the second cover page, and I quote, "Prepared by: Providence, Providence Engineering and Environmental Group, L.L.C., 1201 Main Street, Baton Rouge, Louisiana, 70802, telephone (225) 766-7400, Providence Project No. 133-003. The one (1) above is what one may defend by calling it an inaccurate statement when in fact Gordon's development history," for over twelve years, I might add, "proves the statement wrong,

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misleading, and at best, eye-wash. The (2) above is interesting. Providence Engineering is the same firm, along with one of its employees, one Yolanda Righteous, who were both found in violation about 5 years ago, by the Louisiana State Board of Ethics, and fined, in concert, over one environmental work issue. One may be justifiably inclined, therefore, to question the factual content of the Gordon's Permit Application before us tonight.

Both examples are sufficient to question the "technically complete" Permit Application; to cause the Permit Application to be withdrawn from further consideration pending an unbiased, independent, uninfluencible audit of the Application, and to prohibit Gordon's further development until all existing Local, State and Federal Laws, with jurisdiction, have been complied with.

Unless and until such action is taken, the Iberia Parish Airport Authority will continue its efforts and duty to protect the Acadiana Regional Airport's air rights -- obligatory encumbrances

which, since 1977, when those rights and everyone's obligation to conform to were put into Law by the then Police Jury of Iberia, St. Martin, and Lafayette Parishes.

The Airport Authority would be remiss if it did not remind all concerned the ARA was "here first," as was its officially designated airspaces, as was the Parish's Hazard Zoning Ordinance, as were the LDOTD's Av. Regulations, as were the FAA Regulations.

The Airport Authority will not permit the continued, absolute disregard of its obligations and its ardent, fervent desire to operate a Safe Airport without countering action by others, in spite of and in opposition thereof. Unless LDEQ assists the Airport Authority in a totally safe environment in the air as well as on the ground, one can only conclude that political influence was and is at play, at the cost and expense of the grounded and the flying public."

HEARING OFFICER:

That's time. Let the record reflect marked as "Exhibit D" is a two-page copy of Mr. Mouton's statements. Travis Segura.

TRAVIS SEGURA:

Good evening. My name is Travis Segura. I'm -  
- Iberia Parish Airport Authority, also a concerned citizen, and also an aviator. Like the others, I went to school with Gordon Doerle. I've been



1 friends with him all my life. I have no problems  
2 with Gordon, but just the operation of the facility  
3 that we have at the end of the runway at Acadiana  
4 Regional Airport. It's ruled an aviation safety  
5 hazard, a safety hazard certainly to the citizens  
6 around that area, and also can cause an economic  
7 impact on our airport.

8 As an aviator, today I was in Galveston. I  
9 flew back for the meeting, but when that condition  
10 exists in the flight path of a runway, okay, it  
11 could be anywhere within another distance, but in  
12 that flight path runway, it does have a direct  
13 aviation safety hazard, and all it's going to take  
14 is one fatality, and then a liability issue exists.  
15 With the current existing pending litigation, I  
16 think that DEQ needs to realize that we've got these  
17 issues that must come to completion before issuing  
18 permits.

19 The Airport Authority, we have a dedication to  
20 our citizens, to our industry at the airport and  
21 future growth. -- with FAA -- adjust the airport  
22 minimums -- altitude minimums to accommodate  
23 existing conditions. In that case when an airplane  
24 comes in to land, it comes down to a certain  
25 altitude requirement, but before seeing the runway -

1 - execute a missed approach. With this facility, it  
2 will increase that altitude minimums which will  
3 restrict our current clients at the airport,  
4 restrict current -- you know, future growth of the

5 airport. It's like the business at the Port of  
6 Iberia. If somebody -- which restricts these guys,  
7 these industries from bringing in rigs, exiting the  
8 Port.

9 So we have a definite concern. I'm opposed to  
10 the facility and I do not have any evidence or any  
11 documents tonight. I just wanted to just speak as  
12 an Airport Authority member and also a concerned  
13 citizen and also a representative of Iberia Parish.  
14 Thank you.

15 HEARING OFFICER:

16 Matilda Nelson

17 MATILDA NELSON:

18 My name is Matilda Nelson. I live at 5718  
19 Fremin Road, Lot 1. I'm also a concerned citizen.  
20 I live within a hundred feet of the property, okay.  
21 I brought my husband and my four children and of  
22 course sister, brother-in-law, and everyone else  
23 that lives by me. Now we're concerned. We made a  
24 decision last year that we're going to live here in  
25 Louisiana. We're from California, and I'm going to

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1 bring my parents down and I'm going to take care of  
2 my father who has had a heart attack and a little  
3 Alzheimer's. I made that decision. I don't even  
4 want to tell them what happened. Do you know that?  
5 Because they may not want to come, you know.

6 I have two issues. I'm so glad in the  
7 introduction they mentioned that there was a  
8 problem. This 262-page little application that the  
9 public was supposed to be able to read in less than

10 a week that wasn't available at Coteau. When I  
11 spoke with Miss Asia and I spoke with Miss Jean,  
12 Miss Charlene, and Miss Devon, they had no idea what  
13 I was talking about. They pulled out all their old  
14 2002, 2005, 2006 things, and they had no idea. They  
15 called the New Iberia branch. No one had any idea  
16 there. People were sick, you know. They didn't  
17 know. I had to come back -- that was the 19th. I  
18 came back the 24th. Then they really started  
19 calling, and then the 25th they had something, okay.

20 This is not enough time for all these people  
21 who are not computer savvy to look this up on the  
22 computer and be able to have time to read it.  
23 That's exactly what's happened here, okay. It's  
24 this thick. It's twenty cents a copy if you want to  
25 make copies at the library. Did you know it? This

23

1 is way too much, okay.

2 What came to our attention was the St. Martin  
3 Parish Soil Conservation Service, they have -- I'm  
4 going to issue this to you -- something indicating  
5 "FT Hydric Soil." I live -- our property, the  
6 Nelson property, is right next to the Gordon Doerle  
7 facility right here. It seems to be indicated  
8 there. I think that needs to be looked into. Is  
9 that possibly a wetlands, you know? We need to look  
10 at those kind of things that maybe got overlooked.  
11 It makes me really nervous that the little things  
12 and the big things get overlooked. Thank you.

13 HEARING OFFICER:

14 Thank you. Let the record reflect marked as

15 "Exhibit E" is a photocopy of a plat map from St.  
16 Martin Parish, Sheet No. 50, received by Ms. Nelson.  
17 I'd also like to take this time to remind anyone  
18 that would like to check the receipts from the Fed-  
19 Ex receipts are available at the registration desk.  
20 You're more than willing to go over there and look  
21 at them and confirm when the -- when Fed-Ex says  
22 that these packets were delivered to the  
23 repositories.

24 Jessica Nelson.

25 JESSICA NELSON:

24

1 5718 Fremin Road, Lot 1. That was my mother  
2 who just spoke. I'm here representing my siblings  
3 and all the other -- our generation. There's  
4 fifteen of us grandchildren and two great-  
5 grandchildren, and it affects me because when this  
6 all started -- I was eight years old when the  
7 landfill started up, and I didn't really know what  
8 was going on until -- you know, now I'm 21.

9 I'm a nursing student. I know about bacteria  
10 and -- just I'm concerned about our health living  
11 that close to the landfill, and if there's an  
12 expansion, there's going to be -- the landfill's  
13 going to be right in front of our house, in front of  
14 our driveway. That's what we'll be able to see and  
15 smell.

16 I'm also concerned about the birds that they  
17 were talking about and the airplane crashes being  
18 right by the air base. The planes fly right over  
19 our house and our neighbor's house, and I'm very

20 concerned that if a crash does happen, it'll be in  
21 homes, you know.

22 I'd hate to see a sibling pass away or lose  
23 family members because a plane crashed that could've  
24 been prevented that people knew about, and just  
25 like, you know, 9/11 and Hurricane Katrina, and how

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1 people worried about certain little things like  
2 levees and stuff, and it just wasn't a big deal.  
3 I'm concerned that we'll have to wait until  
4 something really bad happens for there to be a  
5 change or something to be looked at, and my other  
6 concern is there was supposed to be a permit that  
7 was never obtained in St. Martin Parish or Iberia  
8 Parish for the landfill, and I'm concerned about  
9 what we're showing the children today, that you have  
10 to -- do not have to follow the rules and get a  
11 permit, just certain things, following regulations,  
12 and that's all I have to say.

13 HEARING OFFICER:

14 Alicia Lejeune.

15 ALICIA LEJEUNE:

16 Hello. My name is Alicia Lejeune at 600 Sugar  
17 Trace, Broussard, and I'm here representing Alpha  
18 Hangars who is currently constructing a \$250,000.00  
19 hangar project at Acadiana Regional. It's a four-  
20 hangar unit and it houses four extra aircraft.  
21 There are two more projects that are going to be  
22 following these. It will really bring a whole lot  
23 of extra aircraft to Acadiana Regional that wasn't  
24 there in the past. The aircraft will triple within

25 this year just because of the projects that are

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1 under construction as we speak.

2 When we started building our hangar, and which  
3 we are in the process right now, we hadn't received  
4 these permits ourselves. We had to go to the fire  
5 marshal, IBC codes, and they covered everything that  
6 could possibly ever happen to keep everybody safe  
7 around us and ourselves. We had no hangars. So  
8 what we had to do is spend a lot of extra money just  
9 to be able to build a hangar to house our aircraft.  
10 -- already exists, okay. So there's already a  
11 safety issue. The food source for the rodents and  
12 the large predatory birds that are coming around  
13 just for those rodents, maybe not the food in the  
14 landfill, but the rodents that it attracts. There  
15 were already six or seven Red Hawks circling at the  
16 end of Runway 16 as we speak on a regular basis, and  
17 the problem is not that the hawks are there, but  
18 it's the fact that they circle at pattern altitude.

19 Now the people here who are not aviation  
20 people, the FAA sets a safe altitude for a  
21 rectangular pattern that we have to follow around  
22 the runway in order to land on a runway, and at this  
23 altitude that we are required to maintain, we have  
24 big Red Hawks, and one bird, not even a large hawk,  
25 can take down a Lear jet, and just like the young

27

1 lady that was here before, the fact is that it does  
2 take down airplanes all over the country, and  
3 anytime that you can avoid a bird situation, it's

almost like terrorism. It's just -- you don't want to be around birds with aircraft.

Now the safety concerns, it's the FAA's job to protect the pilots and the persons on the ground from aircraft mishaps. Even a small bird, like I said, can take down a Lear jet if it goes into the engine. If anyone at Gordon's company or DEQ were pilots, there would be no issue to debate here today. It would be cut and dry, black and white. It's all about location, location, location.

I just realized today that I do know Gordon and I know that his service is needed for all of us, but it's where it's going to be proposed to be built and to expand. We don't want any large birds anywhere around the airport, especially at the end of an active runway at pattern altitudes, and it's not a matter of if a collision will happen. It's a matter of when.

The FAA's concerns must be addressed by Mr. Gordon and DEQ. Mr. Gordon is, from what I hear, has ignored the FAA's consensus and concerns, and I think that that needs to be looked at immediately.

28

So for the record, Alpha Hangars and its members are opposed to the renewal of -- Mr. Gordon's proposal and any expansion of this hazardous bird situation that's already developing at Acadiana Regional Airport. Thank you.

HEARING OFFICER:

Thank you. Richard Dennison. By the way, we are now calling those individuals that live within

the parish.

RICHARD DENNISON:

My name is Richard Dennison. I live at 104 Teche Street here in New Iberia. I'm a private pilot and fly fixed-wing aircraft out of Acadiana Regional Airport. I'm also a commissioner serving on the Iberia Parish Airport Authority. My comments and questions are my personal concerns and opinions and are not made on behalf of the Airport Authority. Please consider the following as my request to deny the renewal application for Gordon's C&D Landfill.

In 1994 LDEQ approved Gordon's original C&D Landfill application over the objections of local residents, Iberia Parish Airport Authority, and the FAA. In 2004 LDEQ approved Gordon's major modification again over the objections of local resident, Iberia Parish Airport Authority, Iberia

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Parish government, St. Martin Parish government, and the FAA. In 2007 LDEQ approved Gordon's waste water permit medication over the objection of the local residents, Iberia Parish Airport Authority, Iberia Parish government, St. Martin Parish Government, and the FAA.

Tonight local residents, Iberia Parish Airport Authority, St. Martin Parish government, and the FAA again will again stand in opposition to LDEQ's approval of this permit. At this point you have to pause and ask yourself how we got to this point where we're choosing between 110-acre landfill and a fully-utilized and functional airport. Everyone



14 opposed to the landfill has publicly done so.  
15 They've stood up in front of everyone and made their  
16 claim.

17 I have yet to hear anyone speak in public in  
18 favor of the landfill. In the face of all this  
19 opposition from citizens and governmental agencies  
20 and three pending lawsuits, LDEQ continues to  
21 approve the permits for this facility. Why? Could  
22 it be that there are individuals, elected officials,  
23 or governmental agencies who have been supporting  
24 this facility behind the scene, operating in the  
25 shadow, and avoiding the light of public scrutiny?

30

1 If this is so, then I ask LDEQ to identify these  
2 individuals, elected officials, or agencies and  
3 disclose their actions and motives.

4 Looking back over the past thirteen years, I  
5 find it hard to believe that LDEQ wants to sign up  
6 for another ten-year hitch. I have to ask LDEQ how  
7 many more times we'll have to stand up in public and  
8 state the obvious. Gordon's landfill is an aviation  
9 safety hazard. When will it end?

10 HEARING OFFICER:

11 Let the record reflect marked as "Exhibit F" is  
12 a copy of Mr. Dennison's statement that he just  
13 gave. Frank Barber.

14 FRANK BARBER:

15 Thank you. My name is Frank Barber. I'm a  
16 resident and citizen of New Iberia. I live on the  
17 other side of the parish. I'm also an attorney. I  
18 practice here in town, and I'm also a private pilot,

19 and low-time pilot. For those of you who are not in  
20 aviation, that means I'm not very good at it. I  
21 didn't see the map up here. When you look at a guy  
22 like me who's still in training to be a pilot, I'm  
23 licensed, but, you know, you still have to get  
24 current from time to time. I need all the runway I  
25 can have, you know. The eight-thousand feet is

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1 really cool to me, to have access to the whole  
2 runway, not parts of it, and not have to judge --  
3 you know, to come in higher to avoid Red Hawks and  
4 so forth and so on.

5 My concern is aviation safety. I've been  
6 really around airports -- I grew up around the  
7 Lafayette Airport. At nine years old, I was working  
8 on aircraft. It's a passion of mine. I am  
9 concerned -- I know Gordon. You know, I think he's  
10 a fine -- fine man, but I think at this point we  
11 have to balance -- you know, the runway looks small,  
12 but it's actually an eight-thousand-two-foot runway  
13 which is very big, and it's a wide runway, two  
14 hundred feet -- two hundred feet. Bobby's  
15 confirming that.

16 It's a very large runway. Very large aircraft  
17 land on this runway. A lot of money comes into  
18 Iberia Parish because of the businesses that land  
19 their aircraft here -- and Pelican Aviation, and  
20 those are just businesses that are here. There's  
21 also expansion room. As you can see all around the  
22 airport, there's a lot of land for expansion.  
23 Friends of mine in aviation were trying to get

24 businesses developed for this land.

25 The safety factor and the economic factor, I

32

1 think it's prudent to look at this thing from that -  
2 - from that standpoint. A nice big runway, that's  
3 cool. We need to keep it that way. Thank you.

4 HEARING OFFICER:

5 Wilma Subra.

6 WILMA SUBRA:

7 Thank you for coming to New Iberia and helping  
8 us here. The following comments are submitted in  
9 response to the solid waste permit renewal  
10 application submitted by Gordon's Disposal to the  
11 Louisiana Department of Environmental Quality. The  
12 application is actually for a major expansion of  
13 Gordon's Disposal Facility, not just a renewal of  
14 the permit. The LDEQ should have required that the  
15 applicant be for a major modification as well as  
16 renewal of the solid waste permit.

17 In addition, the application contains and is  
18 based on incorrect, inadequate, and misleading  
19 information and does not adequately reflect the  
20 environmental and human health impacts of the  
21 facility as currently in operation and as proposed  
22 under the major expansion contained in the  
23 application.

24 Based on these issues, the application for a  
25 permit renewal should be denied, and these issues

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1 are major facility expansion presented as only a

2 permit renewal, major expansion of disposal area  
3 from seven acres, what you see out there now, to  
4 sixty-two acres, major expansion of the service area  
5 from five local parishes to an unlimited service  
6 area where he can take waste in from anywhere,  
7 expanded into Iberia Parish without modifying the  
8 solid waste permit, track record of expansion prior  
9 to permit issuance, handling of -- waste near the  
10 airport, a top grinder that's going to be placed on  
11 top of the disposal mountain near the airport.  
12 Those of you at Acadiana Regional Airport and the  
13 pilots may want to check that out. Lack of  
14 compliance with local land use and zoning  
15 requirements, lack of information on valleyfill  
16 disposal area, lack of information on the new  
17 disposal cells, incorrect information on the access  
18 to the facility, a separation facility that was  
19 added without a permit modification.

20 So let's look at each one of these. Expansion  
21 of Gordon's Construction & Landfill, in August of  
22 2004, they applied to DEQ with a technically  
23 complete application for a major modification to  
24 their solid waste landfill. The major modification  
25 proposed to increase the permitted disposal capacity

1 of existing landfill by utilizing a portion of the  
2 existing oxidation pond and the woodwaste storage  
3 area. That was approved by DEQ on August 1 of 2005.  
4 Then in April of 2006, they requested a modification  
5 to their waste water discharge permit. The  
6 modification included expansion of the original

7 facility to include a maintenance shop, a new  
8 oxidation pond, pick-up station for -- waste, and  
9 supporting storage areas. The expansion of a  
10 facility footprint was all in Iberia Parish, and  
11 that was approved, and I quote, "June 8, 2007."

12 Those of you who have gone by the facility know  
13 that the operation in that area was way before June  
14 8 of this year. In May of 2007, Gordon's Disposal  
15 submitted a technically complete application to DEQ  
16 for a solid waste permit renewal. This renewal is  
17 the topic of the public hearing here tonight. The  
18 renewal process to add additional disposal capacity  
19 in the existing permitted boundary of St. Martin  
20 Parish and expand the facility boundaries to include  
21 additional disposal cells in Iberia Parish even  
22 closer to the airport.

23 As part of the two solid waste application, the  
24 modification and the renewal, the information  
25 contained in Part 1, Permit Application Form, gives

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1 some conflicting, incorrect, and startling and  
2 expanding information. Part 1, Permit Application,  
3 2004 modification, St. Martin Parish as the  
4 location. Permit renewal for this one that we're  
5 talking about tonight, permit location, St. Martin  
6 Parish, not Iberia. Acreage, in 2004, twelve acres.  
7 In 2007, this one, sixty-seven acres. Disposal  
8 area, in 2004, seven-point-two acres. In 2007, this  
9 one, sixty-two-point-two acres. This parish has to  
10 be served. In 2004, Lafayette, St. Martin, Iberia,  
11 Vermilion, and St. Mary Parishes. In this, quote,

"renewal," 2007, unlimited, anywhere he wants to take it --

Let's talk about the location. The original facility was all within St. Martin Parish. The major modification in 2004 was located --

HEARING OFFICER:

Time.

WILMA SUBRA:

I'd like to submit for the record the testimony and the attached exhibit, and then I'd like to come back at the end and finish. Thank you.

HEARING OFFICER:

Let the record reflect marked as "Exhibit G" is a copy from Subra Company, a document reflecting the

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areas that were just discussed by Ms. Subra. The document is roughly twenty pages in length. Douglas Bernard.

DOUGLAS BERNARD:

My name is Douglas Bernard. I live at 19 North Hopkins in New Iberia, and there have been some well-educated, well-researched presentations tonight about why the facility should not continue. Mine's a bit more emotional. Basically you have a public entity, Iberia Parish -- Acadiana Regional Airport which is a golden opportunity for the parish at this point in time versus a private entity. I think we all agree we have to do something with the garbage, okay.

I'm not a big environmentalist, and we need someplace to put our garbage that has to be

17 convenient. You can't haul it long distances, this,  
18 that, and the other. It just becomes cost-  
19 prohibitive. Due to recent hurricanes and things,  
20 we've lost a golden opportunity for Acadiana  
21 Regional. We've got a major east/west railroad on  
22 one side and a four-lane highway on the other side,  
23 one of the biggest runways in South Louisiana, and  
24 there's no reason why we shouldn't have more  
25 business in this area. You can't do that if you've

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1 got a garbage dump on one end of the runway.  
2 I've been dismayed with the Airport Authority  
3 in the past. I was here as a kid when the airport  
4 was built and it's been pretty much squandered over  
5 a number of years. Recently I've become involved  
6 because I am in aviation -- bringing in more and  
7 more airplanes and aviation to the airport. I've  
8 been really impressed with the current board, their  
9 thoughts, their interest in aviation, and the  
10 direction that they're traveling to grow this  
11 airport and to grow the facility. Again, this is a  
12 public facility, and it's a golden opportunity at  
13 this point in time with the businesses that we have  
14 coming to the area again. I mean you have an  
15 unbelievable facility in the airport itself with a  
16 four-lane highway on one side and the railroad on  
17 the other side. It can grow with the current  
18 interest and leadership that we have. I've just  
19 been really impressed that this could happen. It  
20 can't happen if you've got a garbage dump on one end  
21 of the runway.

22 HEARING OFFICER:

23 Thank you. Charley Hutchens. We are now  
24 moving on to those individuals who do not live  
25 within the parish.

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1 CHARLEY HUTCHENS:

2 I'm Charley Hutchens. I'm an attorney in  
3 Lafayette, Louisiana. I represent tonight the  
4 Iberia Parish Airport Authority. I also happen to  
5 represent the plaintiffs in two actions currently  
6 pending against Doerle Facility. That is, People  
7 Opposing Waste versus LDEQ and Iberia Parish Council  
8 versus LDEQ which was a recent filing. You've heard  
9 -- you've heard a number of remarks tonight that  
10 have relieved me of having to go through them all.  
11 I'll be submitting written comments within the  
12 written comment period.

13 Primarily, though, there are extreme technical  
14 deficiencies in the process. You've heard some of  
15 them. They range from the very large to the rather  
16 small. They're not small. Local people live out  
17 there in this vicinity. You've got old photos in  
18 the application. You've got errors in the  
19 application. You've got landowners identified  
20 improperly that border this facility.

21 Secondly, you've got process deficiencies. You  
22 heard from Matilda about the fact that she could not  
23 get a copy of this permit to review it, and she  
24 knows relatively what she's doing. The people that  
25 don't know this process and don't know how to go

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about it have had no meaningful opportunity to review the permit application. DEQ should hold another permit hearing and make sure that these materials are in the library on the shelf available for the opportunity of people to read.

Substantive deficiencies, I join Wilma Subra's statements pertaining to this being a major modification. It astounds me that DEQ could take the position that permitting a new facility in Iberia Parish, which was formerly in St. Martin Parish, that has a footprint and increases approximately sixty percent in size, that has its increase in the service area from five parishes to unlimited parishes, and which includes, by the way, permitting property which contains a pick-up station.

DEQ takes the position that a pick-up station is not regulated by it. However, a pick-up station handles detrussant (spelled phonetically) waste. Detrussant waste attracts vectors. Vectors go into the engines of airplanes, and by permitting the application as requested, you will be in fact permitting a -- station. I ask DEQ to reconsider that this is a major modification and require a new public process for a major modification and one that

would comply with the IT decision and that will meet the constitutional statutory and administrative standards that apply to LDEQ's permit process.

By the statutory -- there is a statute that requires LDEQ assure themselves in the part of the

6 permitting process that all local ordinances have  
7 been complied with. This facility has not complied  
8 with the St. Martin Parish zoning ordinance. It has  
9 not complied with the Iberia Parish solid waste  
10 ordinance. It has not complied with the Iberia  
11 Parish hazardous zoning ordinance.

12 Interestingly, however, the one parish  
13 ordinance in Iberia that they have complied with,  
14 and I will submit this, is the Iberia Planning  
15 Commission which requires a plat of survey be done  
16 whenever any property is being developed, and I show  
17 you a preliminary and final plat of survey showing  
18 Gordon's Industrial Parkway totaling thirty-one-  
19 point-four-two acres under date of June 27, 2007 for  
20 this area of thirty-one acres of the area that is  
21 being asked to be permitted by LDEQ. This was not  
22 reflected in the application. It has not been  
23 brought to DEQ's attention since it is obvious that  
24 Mr. Doerle has decided he will comply with this when  
25 it's in his interest. However, he will not comply

1 with any of the statutes or ordinances when they are  
2 in the public interest. I don't know how he can  
3 have it both ways. He is applying for permitting  
4 from LDEQ on the one hand. On the other hand, he's  
5 applying from the parish council to sub-divide the  
6 very same property which he wants permitted for his  
7 expansion.

8 I think this is interesting. I think it's  
9 curious, and I think DEQ needs to take this into  
10 account and re-open the permitting process and

figure out what's happening with this agency. I'm not going to go into the FAA angle. That's already been covered very well. I ask DEQ that it re-open the permitting process, that they re-hold public hearings, that they re-notice the process for meaningful public process, and that the permit be denied. Thank you.

HEARING OFFICER:

Let the record reflect marked as "Exhibit H" is a plat survey map for -- it's the general vicinity of the facility in question. Mary Clement.

MARY CLEMENT:

Good evening. My name is Mary Clement and my family and I live half a mile northwest of the landfill. My address is 1025 Mary Road, New Iberia,

Louisiana 70560. Tonight I'm speaking for myself, my family, and hundreds of my neighbors. History, violations, just for the record, Gordon's landfill has an extremely poor history of compliance with over eighty violations and \$31,000.00 in penalties. A pattern has been established going back to 1994.

St. Martin Parish permit and zoning, in DEQ's own response to comments #4 dated August 1, 2005 for Gordon's major modification permit, states that DEQ granted Gordon's a major modification in 2005, acknowledging that Gordon's was lacking proper zoning and had an expired St. Martin Parish permit. It expired in August of 2004. DEQ granted the permit with full knowledge of Gordon's deficiencies. Exhibit A, and I can give you these at the end, DEQ

did not follow up on their exceptions and to this day in August of 2007, three years later, DEQ has not held Gordon's Landfill accountable for local permitting and zoning.

Exhibit B, this is the St. Martin Parish zoning law and the Iberia Parish airport hazard zoning law attached.

Resolution, St. Martin Parish Council adopted a resolution, No. 04-226-RS on December 7, 2004 that unanimously expressed its opposition to the issuance

of a permit modification by DEQ for the expansion of the operations of Gordon's Landfill, Exhibit C.

This resolution gives one some insight as to why Gordon's Landfill never attempted to renew its St. Martin Parish permit or acquire appropriate zoning from the St. Martin Parish Council.

Iberia Parish, even after the Iberia Parish Council's request, Gordon's Landfill has never applied for a permit from the Iberia Parish Counsel for the expansion of the Class III Landfill or the transfer station. The Iberia Parish Council has passed Resolution No. 2004-309 on December 8, 2004, expressing its opposition of a permit modification by DEQ for the expansion of the operations of Gordon's Landfill, Exhibit D.

Land Use Ordinance pending lawsuit, the Iberia Parish Council enacted a land use ordinance on June 27, 1990, Exhibit E. In defense of that local cited ordinance, the Iberia Parish Council has filed a lawsuit in the Sixteenth Judicial District Court,

21 Iberia Parish, which is pending as of today. The  
22 regulatory agencies of Louisiana DEQ, the St. Martin  
23 Parish Council, and the Iberia Parish Council need  
24 to hold Gordon's Landfill accountable. The law  
25 needs to be enforced.

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1 Public notes, I informed DEQ early on about the  
2 problems of their public notes. I contacted Kirk  
3 Auzenne on July 19, 2007 in person at Louisiana DEQ  
4 in Baton Rouge, and Ms. Ghosn by fax on July 20,  
5 2007, Exhibit F.

6 Ms. Ghosn indicated that she had proof with  
7 Fed-Ex receipts a delivery had been made by both  
8 libraries. End of story, public notice has been  
9 accomplished. I visited Coteau/Iberia Parish  
10 Library on July 17, 2007 at 1:05 p.m. to review the  
11 application that was listed in the public notice in  
12 The Daily Iberian. I spoke to the librarian, Jean  
13 Segura, who said that the only DEQ public notice in  
14 the Coteau Library was dated 2004. Another public  
15 notice was from DOTD. The public notice was not  
16 available for public review.

17 The Iberia Parish Library received their Fed-Ex  
18 package in early July of 2007. However, the public  
19 notice and application were not located at the  
20 appropriate library which was published in The Daily  
21 Iberian. The Iberia Parish Library had the public  
22 notice at its main branch on Main Street in New  
23 Iberia, not at the Coteau branch.

24 The newspaper public notice clearly states the  
25 Coteau/Iberia Parish Library is the location where

1 the public notice is located. As per Charlene  
2 LeBlanc, librarian clerk, the Coteau/Iberia Parish  
3 Library, on 6308 Coteau Park, New Iberia, Louisiana  
4 received its public notice on July 25, 2007 at 1:00  
5 p.m.

6 Still looking for the application, I visited  
7 the St. Martin --

8 HEARING OFFICER:

9 Finish your sentence.

10 MARY CLEMENT:

11 I visited St. Martin Parish Library at 201  
12 Porter Street on July 19, 2007 at 4:55 p.m., and I  
13 spoke to librarian Kathleen Landry. Could I  
14 possibly come back?

15 HEARING OFFICER:

16 Yes. Ken Squires.

17 KEN SQUIRES:

18 I was going to give an aircraft lesson tonight,  
19 but that may not be realistic with the time  
20 constraints. My name is Ken Squires. I'm a  
21 commercial aircraft operator based in Iberia Parish.  
22 I operate airplanes and helicopters. I base some of  
23 my aircraft at ARA. The rest of them are out on the  
24 highway in Jeanerette. I'm an aircraft guy through  
25 and through. I don't have much interest in other

1 things. I'm for anything that's good for aviation  
2 in Iberia Parish. Anything that's bad for aviation  
3 in Iberia Parish, I'm not for.

Airplanes and helicopters and birds don't mix.

If Mr. Gordon can do his business out there without birds, fine. More power to him. Have at it. Birds and aircraft don't mix. I've been flying for thirty years. I've hit birds with aircraft. It's no fun. It's always exciting. It's always expensive. I've been lucky. Most of my commercial operations are low-level and around birds more than other pilots. Birds are weird. When you're coming up and flying - - airplanes and helicopters, every flight instructor tells you something different, what you're supposed to do when you see a bird. "Turn left. No. You turn right. No. You freeze." You never know.

Typically the most of us freeze, I suppose, when a bird strike is imminent, and that works a lot of the times, but then you get one of them trying to prove a point once in awhile, and he freezes, too, and there you are.

I brought a few aircraft pieces here. This is the windshield off a typical general aviation aircraft. It's off of obviously a helicopter. There's -- of these things flying around ARA all

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day. It's generally an eighth of an inch thick. It's free-blown. It's probably a .332 or .16 in -- bare spots. That's all you've got between you and a three-, four-, five-, ten-pound bird. That's it. There's a lot of accidents where the birds come in on the pilot, knock him out, knock him out unconscious. If you're flying something sophisticated enough to have an autopilot, you

might come to after awhile and come back and disengage the auto pilot and land the thing.

We worry about getting our flight controls jammed. This is a typical flap section off a twin-engine Piper airplane. It's maybe 25,000 thick, .025. If you take a five-pound bird hitting this thing at five knots, it could easily jam -- freeze up the whole airplane. So there's a bunch of different ways birds can bring down aircraft. They can come through the windshield. They could jam the flight controls.

On a helicopter -- on a helicopter, we worry about getting a direct hit on the tail rotor blade. This tail rotor aluminum is about .032 maybe, maybe .025. You wouldn't have to shear it off like this one. If it just -- then you'd lose the authority for us to handle it.

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This is a flight control tube off a Bell helicopter. It goes to the rotor head. It's real common for helicopters to hit birds and shear these tubes off, and then of course you don't have anything there. So birds are fine until you hit one of them, and you might live it through. You might get it down. You might not. We've got a lot of fine young men and women flying out of ARA everyday in military jets, Marines, Navy, Air Force, Coast Guard. These jets are very quiet. One of the problems in recent years with bird strikes, the aircraft are not only getting quieter. They're getting faster, confusing the birds even more. Some



1DEQ

14 of these aircraft are single engine and it doesn't  
15 take much bird mass to go through a jet engine and  
16 knock it out. Sometimes it knocks out both engines.  
17 If the engines are both side by side, pieces might  
18 fly out of one and knock the other one out.

19 If he can do it without birds, that's fine, but  
20 bird and aircraft don't mix.

21 HEARING OFFICER:

22 I'll call any individual that has not actually  
23 spoken to have the opportunity to speak. Please  
24 come up and state your name and address for the  
25 record.

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1 MATT VIATOR:

2 My name is Matt Viator, 5502 Jefferson Island  
3 Road. When Gordon first came in in 1994, he  
4 promised the people, "I'm going to fill this hole  
5 and leave. I will not stay there. It's just for my  
6 own demolition business," and that has never  
7 happened. The truth was never told, and all I want  
8 to do is object to this permit, and I would like to  
9 do one thing that's out of your standard. How many  
10 people in here wants to give Gordon the permit,  
11 raise your hand? Would you let me continue?

12 HEARING OFFICER:

13 Please just keep it to your statement.

14 MATT VIATOR:

15 How many people in here would like to see the  
16 permit denied? Count them, sir. Count them. Count  
17 them. I would ask DEQ to count them. Somebody else  
18 count them so we could put it in the records.

1DEQ

19 Please somebody count them. I think you've got  
20 about thirty of them. I would like to submit this  
21 to the record, sir. All these -- right across the  
22 fence. Well, I've been getting all his trash. He's  
23 devaluating our land, me and my four brothers, plus  
24 all our families, and he's interfering with the  
25 safety of the airport and everybody around there.

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1 Thank you. The truth needs to be told.

2 HEARING OFFICER:

3 Any other individuals that have not yet had an  
4 opportunity to speak? That being the case, I'm  
5 going to go ahead and call back Ms. Subra who's  
6 already indicated that she would like to speak  
7 again. We're going to go ahead on the same five-  
8 minute increments. So after five minutes, we'll go  
9 ahead and go to next Ms. Clement, then Mr. Ken if he  
10 would like to speak again.

11 WILMA SUBRA:

12 My name is Wilma Subra. In the 2004 process,  
13 Mr. Doerle asked to use part of the oxidation pond  
14 because he was running low on disposal capacity.  
15 Well, that's where we are again here in 2007. He  
16 has a limited disposal capacity left. This was  
17 documented on June 22 of 2007 through a site  
18 inspection of the LDEQ permit staff and Acadiana  
19 Regional office staff, two members of which are here  
20 tonight with us. The LDEQ officials visited the  
21 Gordon Doerle C&D Landfill site to view "the  
22 remaining disposal site." LDEQ spent twenty-five  
23 minutes at the site and determined that the site had

24 limited space remaining for disposal. The site was  
25 listed as being in Iberia, then scratched out and

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1 replaced with St. Martin Parish.  
2 In addition to the limited space, the LDEQ  
3 staff also indicated that the site had a permit  
4 renewal application under review. The challenge  
5 tonight and in this process is will DEQ prohibit  
6 Gordon from beginning to construct and utilize the  
7 new disposal area prior to completing the public  
8 comment period and rendering of a permit decision or  
9 will Gordon begin disposing of waste in the new  
10 disposal area before the public process is complete?  
11 The LDEQ must not give in to the lack of remaining  
12 disposal capacity and not allow the new disposal  
13 area to be used or constructed until the complete  
14 permitting process has been completed. -- waste, on  
15 Page 1 of Part 2 of the application for renewal of  
16 the solid waste permit, the applicant states, "The  
17 site will not handle" -- "solid waste. Therefore,  
18 evaluation of public use airports is not  
19 applicable."

20 This statement is incorrect. -- waste is  
21 handled by Gordon's facility at the on-site pick-up  
22 station according to Ms. Yolanda Righteous who's  
23 here with us tonight, the environmental science  
24 project manager with Providence, representing that  
25 company at a hearing here at the beginning of this

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1 year on the waste water discharge permit. The pick-  
2 up station is used to manage municipal waste that is

not permitted for disposal in a construction and demolition debris landfill. The incoming stream at the pick-up station is offloaded from small local trucks to larger trucks for transportation to off-site permitted landfills for proper disposal. This statement was provided at the January 11, 2007 LDEQ public hearing on the waste water permit major modification in this room. The fact that -- waste is managed at the Gordon site is unacceptable to the community members residing around the facility. In addition, the handling of -- solid waste in close proximity to the Acadiana Regional Airport does require the evaluation of public use airports as part of the permit application process, and you've heard a lot of testimony from members of the staff at the Acadiana Regional Airport.

When I talked earlier about the major expansion of the surface area, it looks like Mr. Doerle is gearing up for a major, major increase in the quantity of waste going into the facility as well as the area from which the waste is taken.

The information presented here tonight should be used by DEQ as the basis for denial of the

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renewal of the solid waste permit and DEQ should take immediate action to safeguard the health and safety of all residing and working in the area of Gordon's facility. Thank you.

HEARING OFFICER:

Ms. Clement. Please state your name again for the record.

8 MARY CLEMENT:

9 Mary Clement, 1025 Mary Road, New Iberia,  
10 Louisiana 70560. As I last said, I visited the St.  
11 Martin Parish Library. I spoke to the librarian,  
12 Kathleen Landry. No public notice was available for  
13 a review. I spoke to the director of the St. Martin  
14 Parish Library on July 23 at 9:00 a.m., and she  
15 indicated that did not have the copy. She said at  
16 that time they called DEQ to let them know that they  
17 didn't have it, and at that point they sent it to  
18 them. DEQ sent the application to St. Martin  
19 Parish. So the public notice, the two-hundred-and-  
20 sixty-two pages, was not available for public review  
21 at the Coteau/Iberia Parish Library until July 25  
22 and the St. Martin Parish Library until the week of  
23 July 23. It takes an extreme amount of time,  
24 gasoline, and effort to find this application. The  
25 people who do not have the time, money, computers,

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1 computer skills, or resources to chase this public  
2 notice finally received public notice between July  
3 24 and July 25 which was just one week before the  
4 public hearing.

5 The people of Coteau did not get that public  
6 notice regardless whether DEQ had its Fed-Ex  
7 receipts or not. The public notices at the  
8 Coteau/Iberia Parish Library and the St. Martin  
9 Parish Library were not available for review for the  
10 public until one week before the public hearing at  
11 the appropriate places that were printed in The  
12 Daily Iberian public notice. The public notices

13 hereby proved inadequate. To comply with public  
14 notice law, I am requesting that DEQ re--issue  
15 public notice for hearings and hold at least one  
16 additional public hearing in each of the two  
17 parishes, Iberia and St. Martin, that are being  
18 impacted by this landfill. I'm going to skip over  
19 some points that have already been made and -- I'm  
20 talking about the application. There's just --  
21 there were several errors in it. "Primary access to  
22 the facility is generally available from Louisiana  
23 Highway 182," this is the site location map that I  
24 referred to earlier. Gordon's boundary does not  
25 touch Highway 182. The primary access is Highway

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1 88. I'm skipping along here. I'm going to run out  
2 of time. I think we need to address the Nelson  
3 property. You cannot have a wetlands within a  
4 thousand feet of a facility. So I am submitting a  
5 map from the St. Martin Parish Soil Conservation  
6 Service. In the application, the Louisiana  
7 Department of Transportation, the letter dated in  
8 the application is May of 1994. That was thirteen  
9 years ago. It seems outdated and I think we need  
10 another review of the road access. I'm going to  
11 ahead and summarize.

12 I am requesting DEQ review, research, and act  
13 on several items: New public notice and another  
14 public hearing in both affected parishes, address  
15 FAA's concerns, divide the permit renewal and the  
16 major modification into two separate actions,  
17 investigate the wetlands issue pertaining to the

18 Nelson property, obtain a current DOTD evaluation  
 19 with Gordon's access being on Highway 88, before  
 20 Gordon's allowed to legally operate one more day,  
 21 require the Landfill to acquire the appropriate St.  
 22 Martin and Iberia Parish permits and obtain the  
 23 appropriate zoning from St. Martin Parish and the  
 24 airport so he can operate legally.  
 25 In summary, my family and I live very close to

1 Gordon's Landfill and the Acadiana Regional Airport.  
 2 We, who live around Acadiana Regional Airport, have  
 3 many types of military and civilian aircraft such as  
 4 F-18's, T-38's, Buckeye's, T-1's, C-130's, B727,  
 5 B737, up to B747 aircraft flying all over our homes.  
 6 Clearly, irreparable injury may occur and human life  
 7 is certainly irreplaceable. The likelihood of  
 8 aircraft safety being impacted by birds in the area  
 9 is monumental and has already occurred. We cannot  
 10 undo an accident. I am pleading with DEQ to deny  
 11 any expansion of Gordon's Landfill for the sake of  
 12 the safety of the people living in the area and the  
 13 flying public. We hereby call for a thorough  
 14 investigation to stop this political battle that is  
 15 affecting public safety and endangering our lives.  
 16 Thank you.

17 HEARING OFFICER:

18 Did you want to submit those?

19 MARY CLEMENT:

20 Yes.

21 HEARING OFFICER:

22 Let the record reflect I'm going to bind this  
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23 as "Exhibit I," although they are individually  
24 labeled "Exhibit A" through "I." For the sake of --  
25 to avoid any kind of confusion with the previously-

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1 labeled exhibits, I'll just mark it as one exhibit,  
2 as Exhibit I, and bind them together. Mr. Ken,  
3 would you like to -- actually a correction. Ms.  
4 Clement's exhibits go through "Exhibit K."

5 KEN SQUIRES:

6 You know, I've been aircraft a long time. I've  
7 seen a lot of stuff go down. Some people got the  
8 idea that it takes a big bird to bring down an  
9 aircraft. It really doesn't. A handful of black  
10 birds or -- there's tons and tons of statistics  
11 about aircraft and bird strikes in the vicinity of  
12 airports readily available on the internet through  
13 the FAA data base. -- all this stuff's on the  
14 internet, but, you know, I've got pages and pages of  
15 aircraft crashes here taking off or landing on a  
16 runway, and I just wanted to run through maybe two  
17 or three of them out of the dozens and dozens to  
18 give a rough idea of how these things will go down.  
19 This one is kind of the benchmark or the poster boy  
20 for a turn-around in the United States, birds and  
21 airports. February 26, 1973, "On departure from  
22 Atlanta, Georgia's Peachtree to Calve Airport, a  
23 Lear-24 jet struck a flock of brown-headed cow  
24 birds," and I think they mean egrets, what we call  
25 egrets, "attracted to a near-by trash transfer

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1 station. Engine failure resulted." Now a Lear jet  
2 has two engines and they have very small inlets. It  
3 wouldn't take much birds to choke out a Lear jet  
4 engine. They're only like this big around in the  
5 inlet. You know, any kind of jet or a piston  
6 airplane is twin-engine. It don't mean it's going  
7 to go in the other engine. So you don't necessarily  
8 have to knock out all the engines or both engines on  
9 a multi-engine aircraft. "The aircraft crashed  
10 killing eight people and seriously injuring one  
11 person on the ground." This incident prompted the  
12 FAA to develop guidelines concerning the location of  
13 solid waste disposal facilities on or near airports.  
14 For those of you who don't know what a Lear jet is,  
15 it was -- it's a small business jet. I guess it's  
16 the smallest one we had in those days. They're  
17 smaller ones now, but it's just a -- they're well-  
18 built. They're strong, but you konk them engines  
19 out and it's coming down.

20 November 12, 75, "On departure from John F.  
21 Kennedy, the pilot of a DC-10" -- a DC-10 is a huge,  
22 huge three-engine airliner, "aborted take-off after  
23 ingesting gulls into one engine," one engine. It's  
24 got three. The plane ran off the runway and caught  
25 fire as a result of engine fire and overheated

1 brakes. I like this one. An MD-80, that's like a  
2 DC-9, a new name for the old PC-9, medium-size  
3 airliner, January 2, 97, "An MD-80 aircraft struck  
4 over four hundred black birds just after take-off  
5 from Dallas/Fort Worth. Almost every part of the

6 plane was hit. The pilot declared an emergency and  
7 returned to land without event. Substantial damage  
8 was found on various parts of the aircraft and the  
9 No. 1 engine had to be replaced. The runway was  
10 closed for one hour. The birds had been attracted  
11 to an unharvested wheat field on the airport." You  
12 know, I've got pages and pages of them here. It's  
13 just all kind of the same thing. I'm going to read  
14 you this last one. They make a liability point, and  
15 then I'll go away. December 30, 2005, this was in  
16 the immediate area or in our region at least, "A  
17 Bell 206 helicopter," some of you'all know that as a  
18 Jet Ranger, "pilot flying a Bell 206 helicopter at  
19 five hundred feet near Washington, Louisiana, looked  
20 up from instruments to see a large vulture," that  
21 would be a buzzard to us, I guess, "crashing in on  
22 the windshield. He was temporarily blinded by blood  
23 and wind. After regaining control, the pilot tried  
24 to land in a bean field nearby, but blood was  
25 hampering his vision, and the left skid hit the

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1 ground, causing the aircraft to flip on its side.  
2 The pilot was taken to the hospital and had several  
3 serious injuries to his face, teeth, and eye. The  
4 aircraft was damaged beyond repair." That's a  
5 million-dollar helicopter. Am I out of time?

6 HEARING OFFICER:

7 Yes. You'll have another opportunity if you  
8 elect to go again. Would you like to submit any of  
9 those as exhibits?

10 KEN SQUIRES:

11 Sure.

12 HEARING OFFICER:

13 Let the record reflect marked as "Exhibit J"  
14 are five pages, it looks like printed up from an  
15 internet site, "Birdstrike.org," and these will be  
16 marked as "Exhibit J." Matt, would you like to go  
17 again? Your name again for the record.

18 MATILDA NELSON:

19 Matilda Nelson. Isn't it very interesting that  
20 those precious Fed-Ex receipts are there because of  
21 Mary and myself looking desperately for this  
22 application, and the librarians, when called DEQ to  
23 let them know it's not here, and right away it got  
24 Fed-Ex'd, and now we have Fed-Ex receipts. Thank  
25 you.

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1 HEARING OFFICER:

2 Matt.

3 MATT VIATOR:

4 I want to thank you for coming. This is my  
5 fifth public hearing on this landfill and I'm tired  
6 of coming up here, and you'all are doing a good job  
7 to have the hearing, and I want to thank all the  
8 people that did show up. Thank you.

9 HEARING OFFICER:

10 Thank you. Are there any other individuals  
11 that would like to speak?

12 STATE REPRESENTATIVE TROY HEBERT:

13 I'd like to just say a few closing remarks.

14 HEARING OFFICER:

15 Name?

STATE REPRESENTATIVE TROY HEBERT:

Troy Hebert, state representative. First of all, as a state official that has oversight over the Department of Environmental Quality, I hereby would formally request some answers to several pertinent points that were brought up by Ms. Subra, by Mr. Hutchens, Ms. Matilda, and Ms. Mary on receiving some type of answers and responses to questions that were brought and submitted to you. You know, along with Mr. Matt, you know, I could ask this audience

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to raise your hand if you trust government. We probably wouldn't have any takers, and I say that not in jest, but I hope that DEQ recognizes that these people are here tonight leaving their families and businesses to come over here because they truly feel that this hearing is worth something, that this hearing is meaningful, and that not our government, their government is going to listen to them, and the reason I think DEQ plays such an important role here is, obviously after listening to Mr. Hulin, the commission members that are here have all objected on behalf of the parish government, on behalf of the airport commission, and on behalf of the Federal Aviation Administration, and it seems to me the only government agency that doesn't recognize the hazard here is the State of Louisiana through the Department of Environmental Quality. Shame on us. Shame on us that we have gotten to the point now to where here we are ten or eleven years later, and we have to sit in a courtroom at a quarter to 8:00 at

21 night, asking our state government to help protect  
22 our citizens, and it's so obvious how petty  
23 government has become because if we were trying to  
24 sell alcohol within three hundred feet of a church,  
25 it'd be a no-brainer, you couldn't do it. If we

1 were trying to bring a firearm within a hundred feet  
2 of a school, it would be a no-brainer, they would  
3 arrest you, and I could go on and on, and Mr. Gordon  
4 knows about this. If we walk down Main Street of  
5 New Iberia with an open container, we will get  
6 arrested, and all of that is under the guise of  
7 protecting us. Yet, I think -- and I want to  
8 commend each and every individual who came up here  
9 and did a fantastic job, I think, in presenting  
10 their case on how these two facilities can simply  
11 not co-exist. It would be like locating a fireworks  
12 stand next to a gasoline refinery. You just can't  
13 do it. Now, you feel for the fireworks stand that  
14 hires five people, but you also have a gasoline  
15 refinery that hires a thousand people. Now we have  
16 -- it's a simple scenario, but the case still  
17 remains the same, and DEQ is going to have to pick  
18 and choose between the fireworks stand and the  
19 gasoline refinery. Some guy mentioned, and I think  
20 this airport has been here a long time before this  
21 facility has been here, and some kind of way we in  
22 government, in particular DEQ because you are in  
23 charge of making that decision, is going to have to  
24 pick and choose between these two facilities, in  
25 particular protecting the economic development of a

1 major, major facility, and not only in Iberia  
2 Parish, but in all of South Louisiana. Now I can't  
3 say it any better than the pilot that stood up over  
4 here and told you what the potential hazard is, and  
5 as a state official, I also want to say that we as  
6 the state officials who have blood on our hands if  
7 something happens at that airport based on what  
8 you're heard on testimony today, and in closing, I  
9 would like to say this again. These people are here  
10 asking for protection from an existing facility that  
11 if you are going to have the ability to deny and  
12 what I -- I agree with Ms. Subra and others, is not  
13 just a renewal. It's an expansion. So let me again  
14 make it very clear that I am requesting in writing  
15 from the Department of Environmental why has this  
16 entire process seemed to have been circumvented  
17 under the disguise of a renewal versus the major  
18 permit or expansion, I think is the terminology, I'm  
19 not sure, I'm not an attorney, but why have we, as  
20 DEQ, disguised it as simply a renewal and we have  
21 not called it what it is. It's a major expansion of  
22 a facility. So having said that, I also appreciate  
23 DEQ coming over here to Iberia Parish  
24 and listening to our concerns. Thank you.  
25 HEARING OFFICER:

1 Thank you.  
2 NARY HULIN:  
3 Robert, as you recall, I got beeped out. I  
4 have one little -- it's not going to take but thirty

5 seconds.

6 HEARING OFFICER:

7 Go ahead.

8 NARY HULIN:

9 Nary Hulin, Iberia Parish government. At last  
10 night's public works committee meeting, we  
11 unanimously passed a resolution asking DEQ to  
12 withhold all state permits until all local permits  
13 have been acquired by Iberia Parish for the entire  
14 facility, and I'd like to know that if -- this is  
15 going to go on to full council next Wednesday, and I  
16 don't see any problems with it passing, and should  
17 it pass, I would like to know whether I could submit  
18 it to you'all as evidence or as -- in the records,  
19 and I would like to get a fax number that I could  
20 fax it to you.

21 HEARING OFFICER:

22 Soumaya?

23 MS. GHOSN:

24 Thank you.

25 NARY HULIN:

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1 Robert, as you recall, I got beeped out. I  
2 have one little -- it's not going to take but thirty  
3 seconds.

4 HEARING OFFICER:

5 Go ahead.

6 NARY HULIN:

7 Nary Hulin, Iberia Parish government. At last  
8 night's public works committee meeting, we  
9 unanimously passed a resolution asking DEQ to

10 withhold all state permits until all local permits  
 11 have been acquired by Iberia Parish for the entire  
 12 facility, and I'd like to know that if -- this is  
 13 going to go on to full council next Wednesday, and I  
 14 don't see any problems with it passing, and should  
 15 it pass, I would like to know whether I could submit  
 16 it to you'all as evidence or as -- in the records,  
 17 and I would like to get a fax number that I could  
 18 fax it to you.

19 HEARING OFFICER:

20 Soumaya?

21 MS. GHOSN:

22 219 --

23 NARY Hulin:

24 I'll get it from you after -- for the sake of  
 25 time. Thank you.

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1 HEARING OFFICER:

2 Anyone else like to comment? Anybody else that  
 3 would like to speak? Mr. Ken? Your name again.  
 4 I'm sorry.

5 KEN SQUIRES:

6 Ken Squires, commercial aircraft operator,  
 7 Iberia Parish -- East Highway 90, Jeanerette. I  
 8 wanted to talk briefly about -- I would imagine  
 9 beyond any doubt, there's some misconceptions about  
 10 aircraft crash liability tonight, and -- aircraft  
 11 operator, I've seen a little bit of everything,  
 12 crash -- lawsuit, lives. I've been a plaintiff.  
 13 I've been a defendant. I've certified as an expert  
 14 witness in a couple of them. Be it known the FAA



15 its documents. They're not exactly mandatory, but  
16 I'm here to tell you, in a civil suit, they carry a  
17 heavy hand. These are called advisory circulars and  
18 an advisory circular can't make anybody do anything,  
19 but if there's a crash and if the participants or  
20 contributors or stakeholders in this crash aren't  
21 abiding by whatever advisory circular might be  
22 published, in that endeavor, heads will roll. I've  
23 suffered it personally firsthand in a smaller matter  
24 years ago, and there's two in question regarding  
25 dumps and aircraft or landfills and aircraft.

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1 Advisory Circular 150/5200-34A and Advisory Circular  
2 150/5200-33A, as in "alpha" in both of them, specify  
3 guidance regarding airports and landfills  
4 commingling, and both of these documents link each  
5 other and refer to each other, but essentially these  
6 advisory circulars say landfills will be six  
7 nautical miles from an airport, end of story. So I  
8 don't know how -- it's over my head or beyond my  
9 imagination how a landfill was ever approved off the  
10 end of a going, operating airport with military  
11 high-speed traffic coming in and out everyday. It's  
12 beyond my imagination, but when a crash does happen,  
13 there will be civil goings-on, heads will roll.  
14 Whoever has authority or ownership, and if you  
15 didn't know it, you can't collect a judgment against  
16 the State of Louisiana unless they just want to give  
17 it to you, nor the parish. So they will look to a  
18 commercial aircraft operator -- it's going to fall  
19 on the landfill owner. If there's ever a crash, any

20 landfill owner operating across the runway from an  
 21 airport is in a horrible liability position, and I  
 22 would not envy being that individual if a crash was  
 23 ever linked to birds stemming from his activity.  
 24 I'm through. Thank you.  
 25 HEARING OFFICER:

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1 Are there any other individuals who'd like to  
 2 speak? I'd like to remind you'all of two points.  
 3 Tuesday, September 4, 2007, 12:30 p.m. is the  
 4 deadline for the Department to be able to receive  
 5 written comments regarding this permit action. You  
 6 may send any comments to Soumaya Ghosn, LDEQ-OES,  
 7 Environmental Assistance Division, P.O. Box 4313,  
 8 Baton Rouge, Louisiana 70821, and additionally all  
 9 comments received either in writing or at this  
 10 public hearing will be responded to by the  
 11 Department. All the comments you made here today  
 12 will be addressed in writing for your review.  
 13 I also would like to remind you again that the  
 14 technically complete Type III solid waste permit  
 15 renewal application, application for Gordon's  
 16 Disposal, LLC, Gordon Doerle Type III Construction &  
 17 Demolition Debris/Woodwaste Landfill, Separation  
 18 Facility, and Environmental Assessment Station (EAS)  
 19 ends on Tuesday, September 4.  
 20 Let the record reflect that I've received a  
 21 total of thirteen exhibits. This hearing is  
 22 adjourned. It is 7:53 p.m.  
 23  
 24

1DEQ

25